

Agreement Between the United States of America and the
Republic of Armenia Regarding the Surrender of Persons to
International Tribunals

The United States of America and the Republic of Armenia,
hereinafter "the Parties."

Reaffirming the importance of bringing to justice those who
commit genocide, crimes against humanity and war crimes;

Considering that the Parties have each expressed their
intention to evaluate or investigate available information
regarding the facts and where appropriate prosecute war crimes,
crimes against humanity and genocide alleged to have been
committed by their officials, employees, military personnel or
other nationals;

Bearing in mind Article II of the Agreement between the
Government of the United States of America and the Government
of the Republic of Armenia Regarding Cooperation to
Facilitate the Provision of Humanitarian and Technical
Economic Assistance of December 15, 1992, and Article 8 of
the Agreement between the Government of the United States of
America and the Government of the Republic of Armenia
Concerning Cooperation in the Area of Counterproliferation of
Weapons of Mass Destruction of July 24, 2000, as well as
other agreements ("the Agreements") currently in force
between the Parties that establish privileges, and the norms
of international law applicable in this matter;

Noting that in conformity with the Agreements the persons
covered thereunder, including military and civilian personnel,
are accorded status equivalent to that accorded to
administrative and technical personnel under Vienna Convention
on Diplomatic Relations of April 18, 1961 and enjoy immunity
from Armenian criminal jurisdiction, as a result of which their
surrender, by any means, to an international tribunal not
established or authorized by the United Nations Security
Council, requires the express consent of the United States of
America;

Noting that under international law, persons of the United
States of America who enjoy immunity from Armenian criminal
jurisdiction, including functional immunity, are not subject,
within the terms of that immunity, to Armenian jurisdiction,
as a result of which their surrender, by any means, to an
international tribunal not established or authorized by the

United Nations Security Council, requires the express consent of the United States of America;

Noting that the term "Sending State" has been used in treaties such as the Vienna Convention on Consular Relations of 1963 and in international law to distinguish among states referenced;

Have herein agreed as follows, with the purpose both to restate existing obligations in this matter and to reach agreement in new areas:

Article 1

For purposes of this Agreement, the term "person" means the nationals of one Party, any current or former government official, employee (including any contractor), or member of the military of one Party, or any person of one Party who enjoys immunity from criminal jurisdiction under international law or who is subject in any manner to the jurisdiction of the Sending State (either the United States of America or the Republic of Armenia).

Article 2

A person of one Party, the Sending State, shall not, absent the express consent of that Party:

- a) be surrendered or transferred by any means to any international tribunal for any purpose, unless such tribunal has been established or authorized by the United Nations Security Council, or
- b) be surrendered or transferred by any means to any entity or third country, or expelled to a third country, for the purpose of surrender to or transfer to any international tribunal, unless such tribunal has been established or authorized by the United Nations Security Council.

Article 3

When the Republic of Armenia extradites, surrenders, or otherwise transfers a person of the United States of America to a third country, the Republic of Armenia will not agree to the surrender or transfer of that person by the third country to any international tribunal, unless such tribunal has been established or authorized by the United Nations Security

Council, absent the express consent of the United States of America.

Article 4

When the United States of America extradites, surrenders, or otherwise transfers a person of the Republic of Armenia to a third country, the United States of America will not agree to the surrender or transfer of that person by the third country to any international tribunal, unless such tribunal has been established or authorized by the United Nations Security Council, absent the express consent of the Republic of Armenia.

Article 5

This Agreement shall enter into force upon an exchange of notes confirming that each Party has completed the necessary domestic legal requirements to bring this Agreement into force. It will remain in force until one year after the date on which one Party notifies the other of its intent to terminate this Agreement. The provisions of this Agreement shall continue to apply with respect to any act occurring, or any allegation arising, before the effective date of termination.

DONE at Yerevan this sixteenth day of October, 2004, in duplicate, in the English and Armenian languages, both texts being equally authentic.

FOR THE UNITED STATES OF AMERICA: FOR THE REPUBLIC OF ARMENIA:

